

REMARKS

Claims 1-8 and 10-15 are pending. Applicant expresses appreciation to the Examiner for the indication of allowance of claim 9 and the allowable subject matter of claims 4 and 8. Applicant has rewritten claim 4, as suggested by the Examiner, to be in independent form including all of the limitations of the base claim 1 and intervening claim 2. New claim 16 is added.

The drawings are objected to by the U.S.P.T.O. Formal drawings are provided herewith.

The specification is objected to because the applicant has not included a summary section. Applicant respectfully traverses the objection. Under 35 U.S.C. 111, an application shall include (A) a specification, (B) a drawing, and (C) an oath. Under 35 U.S.C. 112, first paragraph, "the specification shall contain a written description of the invention, and of the manner and process of making and using it...". There being no statutory requirement for a summary section in an application for patent, Applicant respectfully requests withdrawal of the rejection.

Claims 1-8 and 10-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Peer-Trevarton (US 4301805). Applicant respectfully traverses. Claim 1 is directed to a medical device including "a lead retention element extending through an opening in the sidewall of the connector module, the retention element including a flow passage in fluid communication with the connector bore and the outer surface of the sidewall." Peer-Trevarton discloses a connector system usable with either a unipolar or bipolar lead. The connector system includes a bridging system for utilizing a pacer case as a reference potential when a unipolar lead is used. As the Examiner is well aware, in order for a reference to anticipate a claim, that reference must teach each element of the properly construed claim. Contrary to the Examiner's assertion, Peer-Trevarton fails to teach, among other things, a lead retention element including a flow passage in fluid communication with a connector bore. The bridging system

as taught by Peer-Trevarton includes a bridging set screw which may be provided with a longitudinal hole so that oil may flow through the screw to fill the region between the fixed contact 59 and the fixed terminal block 66 with oil (column 4, lines 24-26). The bridging set screw is not provided as a lead retention element, and a longitudinal hole in the bridging set screw would not be in fluid communication with a connector bore adapted to engage a medical lead (socket 19). Applicant respectfully asserts that the rejection is improper and should be withdrawn.

With regard to claims 3 and 12, the Examiner states that "it is an inherent feature that one could remove the seal to allow for fluid to leave the bore" and further that "one of ordinary skill in the art could recognize that if excess fluid were provided in the retention element of Peer-Trevarton that fluid would egress from the seal due to the pressure differential." Applicant respectfully traverses. A seal is not inherently removable since a seal on an implantable device may be placed permanently as a fluid-tight seal for preventing fluid ingress on a chronic basis. Removal of such a seal may render the device to be inoperable after implantation. Furthermore, if the seal is intended to be a fluid-tight seal to prevent the ingress of body fluid, it would not be apparent to one having skill in the art that the seal would allow fluid egress due to a pressure differential.

Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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